

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENRICO PAVAO,

Plaintiff,

v.

UNKNOWN,

Defendant.

No. 2:21-cv-02082-TLN-AC

**ORDER**

Plaintiff, a state prisoner proceeding *pro se* and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2022, the magistrate judge issued findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 20.) The order recommends that this matter be dismissed because despite having been granted four thirty-day extensions of time to file a first amended complaint, Plaintiff has failed to do so. (ECF No. 20.)

Plaintiff has not filed formal objections to the findings and recommendations. However, after the magistrate judge's order recommending dismissal issued, Plaintiff a filed fifth motion for an extension of time to file an amended complaint. (ECF No. 21.) Arguably, the motion—which has since been denied by the magistrate (*see* ECF No. 22)—could be construed as objections to

1 the findings and recommendations. The Court considers Plaintiff's motion as such and reviews it  
2 in conjunction with the reasoning behind the magistrate's subsequent denial of it.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
4 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
5 Court finds the findings and recommendations to be supported by the record and by proper  
6 analysis.

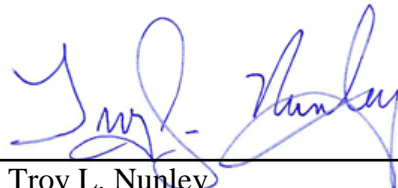
7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The Findings and Recommendations issued June 16, 2022, (ECF No. 20), are adopted  
9 in full, and

10 2. This action is DISMISSED without prejudice.

11 **DATED: July 18, 2022**

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

Troy L. Nunley  
United States District Judge